

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

-v.-

ROBERT ALEXANDER, and KIZZANG,  
LLC,

Defendants.

19 Civ. 1161 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On April 1, 2020, the Court lifted the stay on this action after realizing that Defendant Alexander had pleaded guilty in his criminal case. (Dkt. #23). The Court also ordered the parties to provide a letter to the Court on or before April 24, 2020 informing the Court as to how they would like this case to proceed. (*See id.*). On April 23, 2020, the Court received a letter from Plaintiff United States Securities and Exchange Commission (“SEC”), stating that the parties believed they would be able to reach a settlement in this matter. (Dkt. #24). The Court endorsed the letter the same day and ordered the parties to provide another status update on or before May 22, 2020, advising the Court if the parties had reached a settlement in this case or otherwise proposing next steps in the action. (Dkt. #25).

By letter dated May 13, 2020, Alexander asked the Court to stay this case pending his sentencing in his criminal case, which is scheduled for October 6, 2020. (Dkt. #27). By letter dated May 22, 2020, the SEC informed the Court that the parties have not reached a settlement in this matter. (Dkt.

#26). The SEC opposes Alexander's request for a stay pending his sentencing and asks the Court to enter a case management plan and scheduling order. (*Id.*).

The Court agrees with the SEC that, at this stage, a further stay of this case is inappropriate. Alexander has already pleaded guilty in his criminal case and he provides no reason why this case cannot proceed before his sentencing in his criminal case. Accordingly, Alexander's request for a stay of this action is DENIED.

Further, the SEC indicates that it may move for default judgment against Alexander and Defendant Kizzang, LLC ("Kizzang") because neither defendant has filed an answer or responsive pleading in this case. (Dkt. #26). Despite being served on April 3, 2019 (*see* Dkt. #12), Alexander has appeared in this action only to request stays and to update the Court on his criminal case. Kizzang was also served on April 3, 2019 (Dkt. #13), but has not appeared in this action at all. Accordingly, Defendants are hereby ORDERED to file an answer or otherwise respond to the Complaint (Dkt. #1) on or before **June 30, 2020**. At that time, the Court will decide whether to enter a case management plan and scheduling order or set a schedule for default judgment proceedings.

SO ORDERED.

Dated: May 26, 2020  
New York, New York



*A copy of this Order was mailed by Chambers to:*  
by email to Robert Alexander at  
robert.alexander@kizzang.com;  
and by email to Peter J. Gleason  
at PJGLEASON@aol.com

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KATHERINE POLK FAILLA  
United States District Judge

*A copy of this Order was mailed by Chambers to:*  
Robert Alexander  
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#336  
Greenvale, NY 11548